

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

OP.No. 311 of 1998(K)

PETITIONER:

**FR. MATHEW CHIRAYIL,
THAZHE ARAPPATTA, MEPPADI P.O.,
WAYANAD – 673 571.**

BY ADV. SRI.J.JULIAN XAVIER

RESPONDENTS:

- 1. LABOUR COURT,
KANNUR.**
- 2. GENERAL SECRETARY,
HEADLOAD & GENERAL WORKERS UNION (CITU)
KALPETTA.**

**BY GOVERNMENT PLEADER SRI. T.T. MAHMOOD
SRI.R.K.VENU NAYAR**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

O.P.NO. 311 OF 1998

**ORDER ON C.M.P. NO. 461 OF 1998 IN O.P. NO. 311 OF 1998
DISMISSED.**

19.11.2007

SD/- S. SIRI JAGAN, JUDGE.

APPENDIX

- EXT.P1: TRUE COPY OF THE COMPLAINT DTD 19.3.1994 LODGED BY
THE 2ND RESPONDENT BEFORE THE DISTRICT LABOUR
OFFICER, KALPETTA.**
- EXT.P2: TRUE COPY OF THE ORDER NO. G.O.(RT) NO. 2281/95/LBR
DATED 30.9.95.**
- EXT.P3: COPY OF THE AWARD DATED 20.9.96 WHICH WAS DULY
PUBLISHED IN GAZETTE DATED 7.10.97 NO.39.**

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

O.P.No.311 OF 1998

Dated this the 19th day of November, 2007

JUDGMENT

The petitioner is the management in I.D. No.30 of 1995 before the Labour Court, Kannur, who challenges Ext.P3 award passed by the Labour Court in that industrial dispute. The issue involved in the industrial dispute related to retrenchment of three employees and consequent closure of the management establishment from 9.3.1994. The Labour Court found that the establishment was still functioning and that the workmen were unjustly retrenched without any valid reason. One of them was subsequently reinstated and therefore the Labour Court directed the petitioner management to reinstate the other two workmen with backwages. Although the original petition was filed on 5.1.1998, till date the workmen have not claimed wages under Section 17B of the Industrial Disputes Act, which would go to show that the workmen were gainfully employed elsewhere.

In the above circumstances, I directed the parties to explore the possibilities of settling the dispute by paying compensation. The parties now agree that the petitioner would pay to the two workmen Rs.5,000/- each as compensation in lieu of reinstatement and the workmen have agreed to accept the same in full and final settlement of their claim in respect of the employment with the petitioner which is the subject matter of Ext.P3 award. This settlement is recorded and the original petition is closed holding that the said agreement would govern the parties instead of Ext.P3 award. The amount shall be paid within one month from today failing which the award would stand confirmed.

S. SIRI JAGAN, JUDGE

Acd

